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FOR THE DEFENDANT

ELECTRONICALLY FILED

FEB 26 2008

DATE FILED: 3/26/08

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REPLY TO:

Boca Raton

March 24, 2008

Via Facsimile Only

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

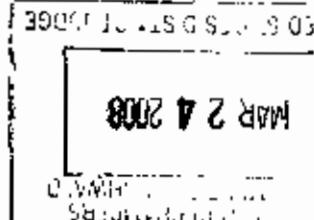
Re: **Smith v. Nortia Capital Partners, Inc.**
Case No. 08 CV 01692 (NRB) (DF)

Dear Judge Buchwald:

I have been retained to represent Defendant, Nortia Capital Partners, Inc. ("Nortia"), in this matter. Pursuant to Rule 2(A) of Your Honor's Individual Practices, I am writing to the Court to describe three motions that I intend to file with the Court, and request a pre-motion conference thereon.

First, I intend to file a Motion for Pro Hac Vice Admission pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York. I am a member of the Bars of the State of New York, State of Florida, and the United States District Court for the Southern District of Florida. Pursuant to Rule 1.3(c), I have ordered the requisite Certificates of Good Standing. However, I am informed that it could take up to three weeks to receive the Certificates.

Second, for the reasons set forth below, I intend to file a Motion for Enlargement of Time to respond to the Complaint for an additional thirty days. I would first note, pursuant to Rule 1(E) of Your Honor's Individual Practices, that no previous requests for an enlargement of time to respond to the Complaint have been made. Nortia was served with the Complaint on March 4, 2008. Pursuant to Fed.R.Civ.P. 12(a)(1)(A) and (b), Nortia would be required to serve its response to the Complaint on March 24, 2008. After trading voicemail messages with James A. Prestiano, Esq. ("Prestiano"), counsel for Plaintiff, over several days last week, Prestiano and I spoke this past Friday afternoon regarding this Motion.

*Endorsement:*

Defendant twice to answer or otherwise more with respect to the complaint is extended until April 23, 2008. Mr. Rubinstein should send me a letter by April 7, 2008 describing his proposed motion.

*So ordered.**Buchwald,
3/25/08*

K-90118-002-Bossa-Henninger.NY\Letters\Judge Buchwald 3-24-08.wpd
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Prestiano indicated that he would not consent to the Motion. His stated reason was that Nortia's counsel in California was provided a courtesy copy of the Complaint prior to the actual service thereof, and that Nortia owes his client money.

There are three bases for the request for enlargement of time for an additional thirty days. One, unless and until this Court grants my Motion for Admission Pro Hac Vice, I cannot file a response to the Complaint. Two, until I receive the above-described Certificates of Good Standing, which have been ordered and can take up to three weeks to receive, I cannot file the Motion for Admission Pro Hac Vice. Three, exigencies of my work schedule have prevented me from fully focusing on this matter.

Third, assuming that this Court grants my Motion for Admission Pro Hac Vice and Nortia's Motion for Enlargement of Time to respond to the Complaint, Nortia intends to file a Motion to Dismiss the Complaint for Lack of Personal Jurisdiction. Accordingly, all Motions described herein would be on a special basis for the limited basis of filing the Motion to Dismiss. Needless to say, if that Motion is denied, the appearance will be converted to a general appearance.

As my principal place of business is in the State of Florida, I would be very appreciative if the pre-motion conference could be conducted via telephone.

I thank you for your attention to these matters. I will await further instruction from the Court.

Respectfully submitted,



Craig A. Rubinstein

cc: James A. Prestiano, Esq. (via facsimile only)